

**AGENDA FOR THE
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MONDAY, JULY 8, 2002 AT 2:00 P.M.
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**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, JULY 8, 2002 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

SPECIAL ORDERS OF BUSINESS

ITEM-30: Bishop George D. McKinney Day.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-1505)

Commending Bishop George McKinney for his contributions to the City of San Diego;

Proclaiming July 8, 2002, to be "Bishop George McKinney Day" in the City of San Diego.

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Items 50, 51, 52, and 53.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, and 122.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-50: Illegal Dumping in Fire Squares.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/24/2002. (Council voted 9-0):

(O-2002-81)

Amending Chapter 6, Article 3, of the San Diego Municipal Code by amending Section 63.20.5 relating to Waste, Refuse, and Fires in City Beach Areas.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-51: La Mirada Elementary School - Joint Use Agreement and Professional Services.

(Otay Mesa Community Area. District-8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/24/2002. (Council voted 9-0):

(O-2002-151)

Authorizing the City Manager to execute a Joint Use Agreement with the San Ysidro School District for the joint use, construction and maintenance of turf multi-purpose fields and other recreational facilities for the La Mirada Elementary School;

Authorizing the City Manager to execute a Consultant Agreement with Nowell & Associates, Landscape Architecture, for Consulting Services for the professional services required to prepare construction documents for a first phase of work and other professional services;

Authorizing the appropriation and expenditure of an amount not to exceed \$55,500 from CIP-29-657.0, La Mirada Elementary School, for the payment of professional services under the Consultant Agreement.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-52: Contract Extension with I Love A Clean San Diego.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/24/2002 (Council voted 9-0):

(O-2002-152)

Authorizing the City Manager to execute a one-year extension to the agreement with I Love A Clean San Diego, originally commenced on July 1, 1997, to continue providing public information, education, and school outreach activities;

Authorizing the expenditure of previously appropriated funds in an amount not to exceed \$226,188 from Fund 41210, Dept. 755, Org. 2212, Object Account 4151, Job Order 7404.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-53: Establishment of Community Facilities District No. 3 - Liberty Station.

(Peninsula Community Planning Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/25/2002. (Council voted 6-1. Councilmembers Peters and Maienschein not present):

(O-2002-148)

Authorizing the levy of a special tax within each of Improvement Areas No. 1 and 2 of such District.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-100: Point Loma - Fourth Sludge Pump and Other Modifications Project: Advertising for Bids and Awarding the Contract.

(See memorandum from Scott Tulloch dated 6/5/2002. Point Loma Community Area. District-2.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1806)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Point Loma - Fourth Sludge Pump and Other Modifications Project on Work Order No. 198224;

Authorizing the City Manager to execute a contract with the lowest responsible bidder, and establishing contract funding phases based on the low bidder's cost loaded schedule, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure under the contract are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$3,185,885, of which \$3,049,736 is from Fund No. 41509, CIP-41-925.0, Point Loma - Fourth Sludge Pump and Other Modifications, for the purpose of providing funds for construction and related costs, and \$136,149 from Fund No. 41509, CIP-46-502.0 Annual Allocation - Clean Water Pooled Contingency for the purpose of providing funds for project contingency, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for the expenditure under established contract funding phases are, or will be, on deposit in the City

Treasury. This expenditure and authorization is also contingent upon the passage of the FY 2003 Capital Improvement Program and Appropriation Ordinance Budgets;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K-02101)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/12/2002, NR&C voted 3 to 0 to approve. (Councilmembers Wear, Frye and Inzunza voted yea. Councilmembers Peters and Madaffer not present.)

CITY MANAGER SUPPORTING INFORMATION:

The existing Sludge Pump Station (SPS) at the Point Loma Wastewater Treatment Plant (PLWTP) is a state of the art facility which has three (3) large high horsepower pumps, five (5) mechanical screens, an odor control facility, and other ancillary equipment. It was constructed and put into operation in February 1998 as part of the Fiesta Island Replacement Project. Since the SPS must pump biosolids through a 17 mile force main to the Metro Biosolids Center adjacent to the City's Miramar Landfill, it requires specialized high pressure positive displacement pumps. These pumps must be operated 24 hours a day to maintain the flow of the biosolids.

Currently there are only two manufacturers, both European, who have manufactured units proven for the demanding operating conditions of the PLWTP SPS. This type of pumping application is relatively new to the wastewater industry, and, because the system conditions are demanding, the rate of wear to the pumps is greater than anticipated. These pumps are vital to the operation of the PLWTP, and any erosion in the ability to convey biosolids from PLWTP at the desired rate could lead to reduced plant performance and possible permit violations. Today, two pumps are required to meet the daily flows, and maintenance work on one pump leaves no standby pump. As maintenance work becomes more extensive, a fourth pump is needed to provide reliability and flexibility at the PLWTP.

Other modifications necessary at the SPS include a sixth mechanical screen for the upgraded biosolids processing operations. Biosolids pumping from the primary treatment process was changed to allow for greater flow conditions and a sixth screen is needed to better handle that flow on a long term basis.

Other recommended improvements such as piping modifications are a result of operations and maintenance staff input to improve system redundancy, operational flexibility and maintenance.

FISCAL IMPACT:

The total estimated cost of this action is \$3,185,885 of which \$3,049,736 is from Fund No. 41509, CIP-41-925.0, Point Loma - Fourth Sludge Pump and Other Modifications for construction and related costs and \$136,149 is from Fund No. 41509, CIP-46-502.0, Annual Allocation - Clean Water Pooled Contingency for project contingency. Funds will be made available in FY 2003 pending Council approval of the FY 2003 Budget Ordinance. Funding is contingent upon the approval of the FY 2003 Budget. This contract will be phase funded over two fiscal years.

Mendes/Tulloch/JAW

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-101: Advertising and Awarding a Contract for Knoxville/Bianca Accelerated Water Replacement Project.

(See memorandum from Frank Belock, Jr. dated 12/5/01. Linda Vista and Clairemont Mesa Community Areas. District-6.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1756)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Knoxville Street/Bianca Avenue Accelerated Water Main Replacement Project on Work Order Number 186741;

Authorizing the City Manager to establish contract funding phases and to execute a contract with the lowest responsible and reliable bidder for the Project provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for such expenditure are or will be on deposit with the City Treasurer;

Authorizing the use of City Forces in an amount not to exceed \$112,367 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement;

Authorizing the expenditure of an amount not to exceed \$980,087 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for such expenditure under established contract funding phases are or will be on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budget funds, if any, to the appropriate reserves. (BID-K02237C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 12/12/2001, NR&C voted 5-0 to approve the project. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

The Knoxville/Bianca Accelerated Water Replacement Project is part of the City of San Diego's continuing Annual Water Main Replacement Program. This project is located in the Clairemont Mesa and Linda Vista communities. This project includes replacement of approximately 2,746 linear feet of old and deteriorated cast iron water mains. It includes construction of pedestrian ramps and slurry sealing the impacted streets. Knoxville Street and Bianca Avenue will be affected by the construction operations. Residents of the communities that are affected by construction will be notified by mail at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again ten (10) days before construction begins by the contractor through hand distribution of notices. This project has been accelerated due to a number of recent breaks in the water main along Knoxville Street and Bianca Avenue.

FISCAL IMPACT:

The total estimated cost of this project is \$980,087. Of this amount, \$227,720 is for engineering, \$575,000 is for construction, \$112,367 is for City forces, and \$65,000 is for contingencies and related costs. This project will be phase-funded, \$377,720 in FY 2002 and \$602,367 in FY 2003.

Loveland/Belock/HR

WWF-02-568.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-102: Vacation of a Sewer Easement in Lot 24, Block 4 of Map No. 689.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1648)

Vacating the sewer easement located within Lot 24, Block 4, of Map No. 689, as more particularly described in the legal description and as shown on Drawing No. 19409-B.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a sewer easement in lot 24, Block 4 of Map No. 689. This property is located in the Peninsula Planning area within Council District 2. The applicant's approved development requires that the easement be vacated. There is no existing public sewer within the easement, however, there is an existing private sewer easement serving the property to the rear in a different location. This easement is on private property and no rights are granted to the public. The Waste Water Section of the Development Services Department has reviewed the abandonment request and recommends approval of the abandonment. This easement was acquired at

no cost to the City.

City staff recommends approval of the easement abandonment.

Ewell/Broughton/AEA

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-103: Easement Grant - State of California - West of Lower Ridge Road.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-28)

Authorizing the City Manager to execute an easement deed conveying to the State of California a temporary easement for access purposes and a permanent easement for access and wall maintenance, affecting that portion of Parcel "C" lying southerly of the Westerly prolongation of the North line of Lot 32, in the City of San Diego, according to Map No. 10395, filed May 26, 1982, File No. 82-160725, in the Office of the County Recorder.

CITY MANAGER SUPPORTING INFORMATION:

The State of California (Caltrans) will be replacing existing freeway soundwalls located on private property. Caltrans has requested a temporary construction easement, which will expire on December 31, 2003, to permit a staging area and equipment storage for the construction. Caltrans further requests a permanent access easement on the same site to perform any necessary maintenance on the soundwall.

The requested easement is irregular in shape, and contains 22,636 square feet. The site is designated Open Space, and acts as a buffer between the freeway and the back yards of the private residences. Park and Recreation has given approval for the easements. Since the soundwall is located entirely on private land, no structures will be built on City property.

Caltrans has offered \$3,850 as fair market value compensation for both easements. The amount has been reviewed and approved by City valuation staff. Further consideration from Caltrans will be an upgraded irrigation system on the site.

FISCAL IMPACT:

\$3,850 to be deposited to General Fund 100.

Herring/Griffith/ACG

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-104: Excusing Councilmember Jim Madaffer from the June 12, 2002 Natural Resources and Culture Committee Meeting.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1789)

Excusing Councilmember Jim Madaffer from attending the Natural Resources and Culture Committee Meeting of June 12, 2002.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-105: San Diego Surf Cup Days.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-1808)

Proclaiming July 27-29, August 3-5, and November 29 through December 1, 2002, to be "San Diego Surf Cup Days" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-106: Dr. William W. Beck Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-33)

Recognizing the hard work, dedication, and unparalleled community service of Dr. William W. Beck, and commending him for sixteen years of commitment to the gay, lesbian, bisexual and transgender community both in San Diego and across the nation;

Proclaiming June 30, 2002, to be “Dr. William W. Beck Day” in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-107: Father Eduardo Samaniego Day.

COUNCILMEMBER INZUNZA'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1809)

Recognizing and appreciating the assistance of Father Eduardo Samaniego for his outstanding contributions in advocating for the poor and disenfranchised, and proclaiming June 22, 2002 as “Father Eduardo Samaniego Day” in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-108: B. Edward Ewing Day.

COUNCILMEMBER INZUNZA'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1810)

Recognizing and appreciating the assistance of B. Edward Ewing for his outstanding contributions for Southwest Marine, and proclaiming June 26, 2002 as “B. Edward Ewing Day” in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-109: Appointments and Reappointments to the San Diego Housing Commission.

(See memorandum from Mayor Murphy dated 6/17/2002, with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1801)

Council confirmation of the following appointments and reappointments by the Mayor to serve as members of the San Diego Housing Commission for terms as indicated:

	<u>Reappointments</u>
<u>Name</u>	<u>Term Expires</u>
Alice Tumminia	January 2, 2004
Santiago Israel Robels	January 2, 2004

	<u>Appointments</u>
<u>Name</u>	<u>Term Expires</u>
Tony Yip (replacing David L. Dick, whose term has expired)	January 2, 2006
Jennifer Adams-Brooks (replacing E. Neal Arthur, whose term has expired)	January 2, 2006
Tyler W. Cramer (replacing Thomas F. Steinke, who resigned)	January 2, 2003

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-110: Transfer of Funds - Kate Sessions Neighborhood Park - Tot Lot Upgrade.

(Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-11)

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$28,000 from CIP-20-013.0, Park and Recreation Grant Match Funding, Fund No. 630221, to CIP-29-459.0, Kate Sessions Neighborhood Park - Tot Lot Upgrade;

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2002 Budget in CIP-29-459.0 by an increase of an amount not to exceed \$28,000 for the construction of Kate Sessions Neighborhood Park - Tot Lot Upgrade;

Authorizing the City Manager to execute a construction contract with Premium

Construction for the construction of CIP-29-459.0, Kate Sessions Neighborhood Park - Tot Lot Upgrade, in an amount not to exceed \$124,000;

Authorizing the expenditure of an amount not to exceed \$155,150 from CIP-29-459.0, Kate Sessions Neighborhood Park - Tot Lot Upgrade, for the purpose of executing the contract with Premium Construction for the construction of the Project and related engineering costs.

CITY MANAGER SUPPORTING INFORMATION:

The proposed project provides for renovating the existing tot lot at Kate Sessions Neighborhood Park, to provide updated play equipment and to meet Americans with Disabilities Act requirements.

The bid for this project was opened on January 4, 2002. The lowest responsible bid from Premium Construction came in at \$124,000 which is 19 percent higher than the engineer's estimate of \$99,900, an additional \$28,000 is required to award this contract.

FISCAL IMPACT:

The total estimated project cost is \$175,750 of which \$147,750 has been previously approved. The remaining funds (\$28,000) are available in CIP-20-013.0, Park and Recreation Grant Matching Funding, Fund No. 630221.

Loveland/Belock/AO

Aud. Cert. 2201205.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-111: San Diego Regional Revolving Loan Fund.

(See City Manager Report CMR-02-152.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-46)

Authorizing the City Manager to establish and administer the San Diego Regional Revolving Loan Fund Program (RLF), appoint a Loan Committee, and negotiate and execute agreements with partner cities to accomplish the goals as set forth in the City Manager Report;

Authorizing the City Manager to apply for and accept funds up to \$1.2 million from the Economic Development Administration to be used as part of the RLF;

Authorizing the City Manager to accept loan repayments of up to \$900,000 to Fund 10220, \$278,000 to Fund 100 (General Fund), \$172,000 to Fund 18502 (CDBG), and \$250,000 to Fund 18532 (CDBG) from the Redevelopment Agency;

Authorizing the appropriation and expenditure of an amount not to exceed \$2.4 million in combined City matching funds and grant funds, as needed for the San Diego Regional Revolving Loan Fund, provided that the City Auditor and Comptroller first furnishes a certificate that funds are, or will be, on deposit in the City Treasury;

Authorizing the City Manager to negotiate and execute agreements with the cities of Chula Vista, Imperial Beach, and National City to participate in the grant application and resulting revolving loan fund;

Authorizing the City Manager to engage in revenue-generating and lending activities; incur expenses for related personnel costs, including the engagement of a qualified RLF Manager; and for non-personnel costs, as needed.

Aud. Cert. 2201244.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-112: Two actions related to Applications to Receive Two State Grants to Fund Cleanup of Solid Waste in the Tijuana River Valley.

(Tijuana River Valley Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1073)

Authorizing the City Manager to execute all necessary applications, contracts, agreements and amendments, for the purpose of securing grant funds and carrying out the purposes specified in the grant application to the Board for a Local Government Waste Tire Cleanup Grant, and if awarded, conduct all negotiations, execute and submit all documents, including but not limited to applications, grant agreements, amendments, payment requests, which may be necessary to carry out and administer the City's obligations, responsibilities, and duties under the terms of the grant;

Directing the City Auditor and Comptroller to create a separate fund for the City for the grant monies.

Subitem-B: (R-2002-1074)

Authorizing the City Manager to execute all necessary applications, contracts, agreements and amendments for purposes of securing grant funds and carrying out the purposes specified in the grant application to the Board for a Farm and Ranch Cleanup Grant, and if awarded, conduct all negotiations, execute and submit all documents, including but not limited to applications, grant agreements, amendments, payment requests, which may be necessary to carry out and administer the City's obligations, responsibilities, and duties under the terms of the grant;

Directing the City Auditor and Comptroller to create a separate fund for the City for the grant monies.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-113: Additional Funding for the Peñasquitos Reservoir Rehabilitation Project.

(See memorandum from Mark Stone dated 6/06/2002. Peñasquitos East Community Area. District-1.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1734)

Approving Contract Change Order No. 6, issued in connection with the contract between the City of San Diego and SCW Contracting Corporation for the Peñasquitos Reservoir Rehabilitation Project, amounting to a net increase in the contract price of \$111,150;

Approving the expenditure of an amount not to exceed \$427,305 from Water Fund No. 41500, CIP-73-277.0, Annual Allocation - Standpipe and Reservoir Rehabilitations, to provide funds for this Contract Change Order No. 6 and additional project contingency and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice from the administering department.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/12/2002, NR&C voted 3-0 to approve the project. (Councilmembers Wear, Frye and Inzunza voted yea. Councilmembers Peters and Madaffer not present.)

CITY MANAGER SUPPORTING INFORMATION:

The Peñasquitos Reservoir is a 5 million gallon drinking water storage reservoir, located on the eastern slopes of Black Mountain, in the Peñasquitos community of San Diego. This prestressed concrete circular reservoir was built above ground in 1966. This reservoir is undergoing rehabilitation to extend its service life and upgrade components to enhance its service reliability.

On November 5, 2001, the City Council awarded a contract to SCW Contracting Corporation for the construction of the Peñasquitos Reservoir (R-295672). The original construction work was scheduled to start on November 15, 2001 and complete by June 1, 2002. As this project moved to construction, a delay in another construction project required for the isolation of the Peñasquitos reservoir adversely impacted the project schedule and extended its completion date to September 2002. This required additional unanticipated time and effort to provide construction oversight.

In addition, during trench excavations for the outlet pipeline, large amounts of hard rock was encountered exceeding the original quantity estimated in the construction contract necessitating the removal of the rock and placement of additional pipe bedding and imported backfill (Contract Change Order No. 6). Once the reservoir was drained and internally inspected, it was identified that some substandard items need to be upgraded or replaced such as the overflow pipe, the roof screens, the valve vault drain connection to the drain pipe, and additional piping system for a future chlorine analyzer. Furthermore, asbestos based material was found inside the reservoir which was encapsulated. These items, along with associated in-house costs, necessitate increasing the project budget by \$427,305. This project is part of the State of California Department of Health Services (DHS), Compliance Order No. 04-14-96-022, Amendment #7, dated May 9, 2001.

This item was presented and approved by the Natural Resources and Cultural Committee on June 12, 2002. The Water Department requests Council's approval of Contract Change Order No. 6 and for additional funds in the amount of \$427,305 to cover the additional unanticipated costs and bring the project to a successful completion.

FISCAL IMPACT:

Total cost of the Peñasquitos Reservoir Rehabilitation Project is \$2,781,666.40 of which \$2,354,361.40 was previously authorized.

Mendes/Gardner/OK

Aud. Cert. 2201225.

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

* ITEM-114: Time Limit Parking on Cass Street.

(Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1736) Tb(CACTION Tb)

Establishing a two-hour unmetered time limit parking zone, effective between the hours of 8:00 a.m. and 6:00 p.m., everyday, certain holidays excepted, on both sides of Cass Street, between Emerald Street and Diamond Street.

Authorizing the installation of the necessary signs and markings; declaring that regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action modifies a two-hour unmetered time limit parking zone that is now effective between 8:00 a.m. and 6:00 p.m., Saturdays, Sundays and certain holidays excepted on both sides of Cass Street, between Emerald Street and Diamond Street. The proposed modification would include Saturdays and Sundays, but the specified holidays would still be excepted.

Council approval is required, according to Municipal Code Section 86.04.

A petition representing 100% of the affected properties was submitted in support of this action, and the Pacific Beach Planning Group support this action.

FISCAL IMPACT:

Fiscal Impact is minimal. Funds are budgeted within the Transportation Department, Street Division operating fund for this purpose.

Loveland/Gonzalez/AH

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-115: Two actions related to Old Trolley Barn Neighborhood Park and Golden Hills Recreation Center - Tot Lot Upgrades.

(Uptown and Greater Golden Hill Community Areas. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-15)

Authorizing Amendment of Fiscal Year 2002 Capital Improvements Program Budget by adding CIP-29-584.0, Golden Hill Recreation Center - Tot Lot Upgrade;

Authorizing Amendment of Fiscal Year 2002 Capital Improvements Program Budget by increasing CIP-29-584.0, Golden Hill Recreation Center - Tot Lot Upgrade, in the amount of \$250,000 from Fund No. 38184, 2000 Park Bond Per Capita Funding, contingent upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$250,000 from CIP-29-584.0, Golden Hill Recreation Center - Tot Lot Upgrade, from Fund No. 38184, 2000 Park Bond Per Capita Funding, contingent upon receipt of a fully executed grant agreement.

Subitem-B: (R-2003-16)

Authorizing amendment of the Fiscal Year 2002 Capital Improvements Program Budget by adding CIP-29-583.0, Old Trolley Barn Neighborhood Park - Tot Lot Upgrade, in the amount of \$250,000 from Fund No. 38185, 2000 Park Bond Per Capita Funding, contingent upon receipt of a fully executed grant agreement;

Authorizing the transfer of \$50,000 from CIP-29-013.0, Park and Recreation Grant Matching Funding to CIP-29-583.0, Old Trolley Barn Neighborhood Park - Tot Lot Upgrade, contingent upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$300,000 from CIP-29-583.0, Old Trolley Barn Neighborhood Park - Tot Lot Upgrade, from Fund No. 38185, 2000 Park Bond Per Capita Funding, in the amount of \$250,000 and from CIP-20-013.0, Park and Recreation Grant Matching, in the amount of \$50,000. Appropriation and expenditure are contingent upon receipt of a fully executed grant agreement.

CITY MANAGER SUPPORTING INFORMATION:

On August 15, 2000, City Council adopted Resolution R-293698 authorizing the City Manager or his representative to secure grant funding from the State of California under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Act of 2000 (Park Bond), including playground upgrades, for each Council District. The City Manager has secured the grant funding and has entered into a Grant Contract for Park Bond Per Capita Funds, and a Grant Contract for Roberti-Z'berg-Harris Per Capita Funds with the State of California. In addition, the City Manager will enter into a subcontract with the State of California specifying use of: \$250,000 for a tot lot upgrade at Old Trolley Barn Neighborhood Park and \$250,000 for a tot lot upgrade at Golden Hill Recreation Center. This action authorizes the City Manager or his representative to move Park Bond funding into the Capital Improvement Projects for Old Trolley Barn Neighborhood Park - Tot Lot Upgrade and Golden Hill Recreation Center - Tot Lot Upgrade.

In addition, this action will authorize the transfer of \$50,000 from CIP-20-013.0, Park and Recreation Grant Match Funding to CIP No. 29-583.0, Old Trolley Barn NP - Tot Lot Upgrade.

By State law, all public play areas must conform to the Consumer Product Safety Commission and American Society of Testing Materials Guidelines. Additionally, play areas are to be brought into compliance with Americans with Disabilities Act Guidelines. Playground upgrades will include

improvements which comply with state and federal safety and accessibility regulations.

FISCAL IMPACT:

Funds in the amount of \$550,000 are available for these projects from 2000 Park Bond Per Capita Funds, Fund No. 38185 (\$250,000) and Fund No. 38184 (\$250,000) and Park and Recreation Grant Match Funding (\$50,000).

Herring/VanWanselee/DS

Aud. Cert. 2201191.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-116: I-5/805 Widening Project.

(Torrey Pines Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1791)

Approving the acceptance of a Grant Deed-Public Street Easement of Torrey View, LLC, executed in favor of the City of San Diego, conveying to said City a public street easement;

Approving the acceptance of an irrevocable offer of dedication of Torrey View, LLC, executed in favor of the City of San Diego, granting to the City an irrevocable offer of dedication for light rail transit purposes in a portion of Section 31, Lot 1 and 2, Township 14 South, Range 3 West, San Bernardino Meridian in the City of San Diego;

Authorizing the City Manager to execute a quitclaim deed upon receipt of fully executed deeds for the easement and irrevocable offer of dedication, quitclaiming to Torrey View, LLC, all of the City's right, title and interest in 1.541 acres of City-owned land.

CITY MANAGER SUPPORTING INFORMATION:

On October 22, 1999 the City took title to a 2.48 acre parcel of land within the I-5/805 corridor. This acquisition was in compliance with a Development Agreement approved by the Mayor and Council on May 15, 1989 (Document No. 00-17300). A condition of this agreement was that the participants were to dedicate, at no cost to the City, the necessary right of way required for the I-5/805 widening. All right of way acquired pursuant to this agreement was intended to be transferred to Caltrans for

the I-5/805 Widening Project.

The referenced 2.48 acre parcel's size and configuration was designed by Caltrans to support necessary slopes for the project. The adjacent property owner, Torrey View, LLC, has redesigned their project, since the original acquisition, to a project called Campus at Torrey View. The Campus project has proposed that in exchange for the easterly 1.541 acres of the 2.48 acre parcel they can eliminate the need for the slope originally required by Caltrans. This would be accomplished by enfolding the 1.541 acres with the planned grading for their project, which would lower the existing grade by approximately 40 feet and shift the property line westerly, thus eliminating the need for the slope. In addition, the Campus project would grant the necessary right of way for the street widening of Carmel Mountain Road required for the north bound ramp to I-5, and provide an irrevocable offer of dedication for a 0.425 acre parcel for the proposed Light Rail Transit.

Caltrans concurs with this proposal for the following reasons: by lowering the grade and shifting the right of way boundary it reduces their need to build and maintain 1.5 acres of slope, it eliminates the need to build a planned retaining wall along the north bound on-ramp to I-5, and therefore reducing overall construction costs, all future maintenance cost that would have been required for the slopes will be eliminated.

The action would authorize the City to quitclaim 1.541 acres of City owned land to Torrey View, LLC, and to accept from Torrey View, LLC of an Easement Deed for Street Dedication for Carmel Mountain Road and an Irrevocable Offer of Dedication for Light Rail Transit.

FISCAL IMPACT:

Herring/Griffith/BLM

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

* ITEM-117: Nobel Athletic Area and Library - First Amendment to the Consultant Agreement.

(University City Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-24)

Authorizing the City Manager to execute a First Amendment to the Agreement with ONA, Inc., for professional services for the Nobel Athletic Area and Library, together with any reasonably necessary modifications or amendments;

Authorizing the expenditure of an amount not to exceed \$146,536 from CIP-29-718.0, Nobel Athletic Area - Development, North University City FBA, Fund No. 79001, solely and exclusively for the purpose of providing funds for the above

project.

CITY MANAGER SUPPORTING INFORMATION:

On June 19, 2000, City Council authorized the City Manager to execute an agreement with ONA, Inc. for professional services to develop a General Development Plan (GDP) for Nobel Athletic Area and Library. The original agreement is on file in the office of the City Clerk as Document No. RR-293310. The project has evolved and additional professional services are needed for design changes required to separate the community center building from the library and convert the community building to function primarily as a recreation center; prepare a separate GDP alternative for review and approval by the University City Planning Group; develop the necessary drawings to obtain a Site Development Permit; and conduct environmental studies and prepare the corresponding technical report as necessary to obtain the required environmental document for the project. These design changes are in response to community input, and park operating needs, and environmental requirements.

The proposed First Amendment to the Agreement will provide for the additional design effort to implement the design changes to the GDP needed to alleviate community concerns, address park facility operations, and meet the project environmental and site development permit requirements.

FISCAL IMPACT:

The original agreement allows for a total of \$232,200 in consultant services. This amendment will provide an additional \$146,536 in consultant services for a total agreement of \$378,736. Funds for this purpose, \$146,536, are available in CIP-29-718.0, Nobel Athletic Area - Development, North University City FBA Fund No. 79001. The total project cost, including property acquisition, is estimated at \$25,145,690.

Loveland/Belock/AO

Aud. Cert. 2201184.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-118: Three actions related to Sunset Cliffs Natural Park Master Plan - Agreement for Professional Services.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1660 Cor. Copy)

Authorizing an amendment to the Fiscal Year 2002 Capital Improvements Program

Budget by increasing CIP-28-005.0, Sunset Cliffs Shoreline Park Improvements, Sunset Cliffs Natural Park, Fund No. 63034, in the amount of \$147,487;

Authorizing the City Auditor and Comptroller to appropriate and expend \$147,487 for CIP-28-005.0, Sunset Cliffs Shoreline Park Improvements, Sunset Cliffs Natural Park, Fund No. 63034.

Subitem-B: (R-2002-1661 Cor. Copy)

Authorizing the City Manager to execute the Agreement with Dudek & Associates regarding environmental analysis of Sunset Cliffs Natural Park;

Declaring that the total amount of the Agreement shall not exceed \$99,087 from CIP-28-005.0, Fund No. 63034, Sunset Cliffs Shoreline Park Improvements, Sunset Cliffs Natural Park.

Subitem-C: (R-2002-1662 Cor. Copy)

Authorizing the City Manager to execute the Agreement with Van Dyke, LLP regarding the Master Plan revision for Sunset Cliffs Natural Park;

Declaring the total amount of the Agreement shall not exceed \$33,400 from CIP-28-005.0, Fund No. 63034, Sunset Cliffs Shoreline Park Improvements, Sunset Cliffs Natural Park.

CITY MANAGER SUPPORTING INFORMATION:

Sunset Cliffs Natural Park constitutes one of the unique Coastal environments in San Diego County. This natural resource lacks a comprehensive plan to address the recreational needs of the community. In addition, there are critical issues of erosion, undermining of the bluffs, invasion of non native species and soil compaction. A Draft Master Plan and EIR has already been completed, by Van Dyke, LLP and Dudek Associates Inc. respectively. This work began twelve years ago with a single contract with Van Dyke as prime and Dudek as a sub-consultant. Twelve years of Community input and revisions have changed the scope of work and new contracts area necessary. The proposed agreements with Van Dyke, LLP and Dudek Associates, Inc. will provide the professional services required to complete the Master Plan and associated EIR for Sunset Cliffs Natural Park.

The cumulative contract awards for Dudek Associates exceed \$250,000 in this fiscal year. City Council approval is required to approve this consultant agreement.

FISCAL IMPACT:

Funds are available from Sunset Cliffs Natural Park, Fund No. 63034.

Herring/VanWanseele/MM

Aud. Cert. 2201154.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-119: Port Reimbursement Agreement for Police and Fire & Life Safety Services to Unleased Tidelands.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1784)

Authorizing the City Manager to enter into an Agreement with the San Diego Unified Port District for Police and Fire & Life Safety Services to Unleased Tidelands.

CITY MANAGER SUPPORTING INFORMATION:

The City currently provides Police and Fire & Life services to San Diego Unified Port District (the "District") properties which do not generate ad valorem (property) taxes, or other local taxes. These properties include, but are not limited to parks and open space, certain port facilities, other developed properties and vacant land. Under this Agreement, the District would reimburse the City for the costs of providing these services during Fiscal Years 2001 through 2003. The City also provides services to the leased tidelands (i.e., developed properties on tidelands, including hotels, retail, and other commercial and industrial activities) which do generate ad valorem taxes and other local taxes and, as such, are not eligible for any reimbursement by the District.

This agreement is similar in form and content to an agreement that was originally adopted in Fiscal Year 1995 and amended once in Fiscal Year 1998. The geographic areas covered by this agreement require a relatively minor level of direct services. No special staffing, or added capacity is required to provide the services required under this agreement. The agreement incorporates various formulas for estimating direct service levels to these properties.

FISCAL IMPACT:

Under the agreement, the City would receive approximately \$837,579 annually during Fiscal Years 2001, 2002 and 2003. The City was reimbursed for services provided during Fiscal Year 2001 in the amount of \$767,156 based on the agreement adopted in 1998, with the understanding that any difference between that amount and a new amount based on the proposed agreement would be reimbursed upon finalization of a new agreement. As a consequence, with approval of this agreement by the City and the District, the City would receive \$837,579 for Fiscal Year 2002 services and an additional \$70,423 for the balance due for Fiscal Year 2001, resulting in a combined payment of \$908,002. For Fiscal Year 2003 the City would receive a payment in the amount of \$837,579.

Frazier/Vattimo/MC

RESOLUTIONS:

* ITEM-120: Lease Approval - Pacific Bell Wireless at Fire Station #24.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-19)

Authorizing the City Manager to execute a five year lease agreement with an option for one additional term of five years with Pacific Bell Wireless, LCC for a telecommunication facility at Fire Station Number 24, at an initial annual rent of \$19,200.

CITY MANAGER SUPPORTING INFORMATION:

Pacific Bell Wireless is requesting a lease for the operation and maintenance of a communications facility at Fire Station #24 in the Carmel Valley community. It consists of equipment shelters and antenna equipment. Pacific Bell requires the fire station location to provide service to the local community. Pacific Bell Wireless has proved to be a reliable tenant at other existing City-owned sites.

Basic terms of the agreement are as follows:

USE - Install, maintain and operate a communication facility.

TERM - Five (5) years, with one (1) additional 5-year option.

GROUND RENT - Initial rent is \$19,200 annually (\$1,600 per month) with annual 5% rent increases and a reappraisal at year five.

STATEMENT OF VALUE - This rent is consistent with an outside independent fee appraisal based on a comparative survey of similar telecommunication facilities in the Southern California market dated November 2001.

PRIOR APPROVALS - Carmel Valley Community Planning Board, Fire and Life Safety Services, Development Services.

FISCAL IMPACT:

The City will receive \$19,200 in the first year of the lease with 5% annual rent increases thereafter. Rent proceeds will be deposited into Fund 100, Revenue Account 75692.

Herring/Griffith/CPA

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-121: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1771)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-122: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-01)

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

ADOPTION AGENDA, DISCUSSION, HEARINGS

SPECIAL HEARING:

- ITEM-200: Ratify the Crossroads Development Project, Project Area Committee Elections of May 15, 2002 and May 29, 2002.

(Continued from the meeting of June 25, 2002, Item 339, at the request of Councilmember Madaffer for further review.)

(See City Manager Report CMR-02-145; College and Mid-City [City Heights and Eastern] Community Areas. Districts-4 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1744)

Declaring that the two challenges to the election of the PAC have been reviewed and determined to be without merit;

Declaring that all of the "Procedures for Formation and Election of a Project Area Committee" which were approved by the City Council on April 2, 2002, were followed in connection with the election of the Project Area Committee which was held on May 15, 2002, and in connection with the Run-Off election which was held on May 29, 2002.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Settlement of the Personal Injury Claim of Bernice Earle.

(R-2003-51)

Adopted as Resolution R-296744.

A Resolution approved by the City Council in Closed Session on Tuesday, June 25, 2002, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$58,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Bernice Earle (Superior Court Case No. 776901, Bernice Earle v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$58,000 made payable to Bernice Earle and her attorney, Oliver Pelly, in full settlement of the lawsuit and all claims.

Aud. Cert. 2300012.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: Notice of Pending Final Map Approval.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Scripps Highlands Phase II," a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located southeasterly of I-15 and Scripps Poway Parkway in the Miramar Ranch North Community Plan Area in Council District 5. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-252: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who then shall transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the November 5, 2002 election:

DAYS

<u>DAY</u>	<u>DATE</u>	<u>BEFORE ELECTION</u>	<u>EVENT</u>
Friday	5/24/02	165	Last Date (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	6/05/02	153	Rules Committee review of ballot proposals
Monday	7/01/02	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	7/01/02	127	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	Through 7/22/02	to 106	
Monday	7/29/02	99	Council adopts ordinances prepared by City Attorney
Friday	8/09/02	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	8/22/02	75	Last day to file ballot arguments with City Clerk

If you have any questions, please contact the Office of the City Clerk, 533-4025.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-253: On June 5, 2002, the Rules, Finance and Intergovernmental Relations Committee voted to forward to City Council a ballot proposition authorizing the development of low-rent housing, for placement on the November 5, 2002 ballot.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT